

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

SECURITIES AND EXCHANGE COMMISSION :

Plaintiff, :

- against - :

ORDER

STEVEN BYERS, :

08 Civ. 7104 (DC)

Defendant, :

- and - :

U.S. BANK NATIONAL ASSOCIATION, :  
AS TRUSTEE, FOR THE REGISTERED :  
HOLDERS OF CREDIT SUISSE FIRST :  
BOSTON MORTGAGE SECURITIES CORP., :  
COMMERCIAL MORTGAGE TRUST :  
PASS-THROUGH CERTIFICATES, SERIES :  
2007-C3, BY ITS SPECIAL SERVICER :  
C-III ASSET MANAGEMENT LLC, :

Movant. :

- - - - -X

**CHIN, Circuit Judge:**

U.S. Bank National Association, as Trustee, for the  
Registered Holders of Credit Suisse First Boston Mortgage  
Securities Corp., Commercial Mortgage Trust Pass-Through  
Certificates, Series 2007-C3, by its Special Servicer C-III  
Asset Management LLC ("C-III"), moves "for an Order directing  
the Receiver to retain certain secured collateral funds" that C-  
III alleges "were improperly sent to the Receiver." ROA doc.  
974 at 1 ("Motion and Notice of Motion for Return of Secured

Collateral Funds Improperly Sent to the Receiver"). The Court conducted an evidentiary hearing on May 6, 2014.

For the reasons stated on the record at the conclusion of the hearing, C-III's motion is DENIED, as the Court holds that the funds were not transferred by mistake. The Receiver shall retain the funds that he received through the disputed wire transfers, as property of the receivership estate.

SO ORDERED.

Dated: New York, New York  
May 7, 2014

  
\_\_\_\_\_  
DENNY CHIN  
United States Circuit Judge  
Sitting by Designation